

INITIAL STATEMENT OF REASONS

PROPOSED AMENDMENTS TO APPLIANCE EFFICIENCY REGULATIONS

CALIFORNIA CODE OF REGULATIONS, TITLE 20, SECTIONS 1601 – 1608

CALIFORNIA ENERGY COMMISSION Docket Number 06-AAER-1 February 2006

Introduction

In this rulemaking proceeding, the California Energy Commission (“Energy Commission”) is proposing to amend its Appliance Efficiency Regulations by delaying the effective dates for the minimum efficiency standards of single voltage external power supplies and digital television adapters, amending the scope for single voltage external power supplies to exclude specified medical devices, removing the requirement for single voltage external power supplies to meet the minimum efficiency requirements at 230 volts@50 Hz (where applicable), and clarifying the marking requirements for power supplies.

The Energy Commission first adopted appliance regulations in 1976 and has periodically revised them since then. The current regulations include provisions on testing of appliances to determine their efficiency, reporting of data by manufacturers to the Energy Commission, standards establishing mandatory efficiency levels, and compliance and enforcement procedures, as well as general provisions on the scope of the regulations and definitions.

In 2002 the Energy Commission adopted extensive revisions to its appliance regulations, including re-organizing some sections and making substantial additions to the sections on compliance and enforcement. In the current rulemaking addressed by this Initial Statement of Reasons (“ISOR”), the basic structure established by the 2002 amendments remains in place.

This ISOR describes the purpose and the specific rational necessary for each proposed amendment , including the projected energy and economic impacts, if any, resulting from the proposed amendments, where applicable, and other information as required by law. Information on public hearings, submittal of comments on the proposed amendments, document availability, and other matters concerning the proposal are

contained in the companion Notice of Proposed Action (NOPA), which is available from Linda Franklin at LFrankli@energy.state.ca.us. Also available from Ms. Franklin is the Form 399, Economic and Fiscal Impact Statement.

Factors Applicable to All Sections

Several of the legal requirements for the ISOR call for the same general information for each section of the proposed amendments. To save space and the reader's time, we provide that general information here. Where additional information is required, it is presented under the appropriate individual section.

PURPOSE, RATIONALE, AND NECESSITY OF THE PROPOSED AMENDMENTS IN GENERAL

The California economy, and the well-being of all of California's citizens, depends on an adequate, reasonably-priced, and environmentally-sound supply of energy. Recent growth in electricity demand has strained the reliability of California's electricity system and has in some circumstances contributed to a substantial rise in electricity prices. Similarly, natural gas supplies are becoming tighter, and natural gas prices are increasing.

Improvements in energy efficiency are the cheapest and most environmentally-friendly methods to help bring demand and supply into balance. Thus existing law (Public Resources Code Section 25402(c)) requires the Energy Commission to adopt standards that prescribe minimum efficiency levels for appliances.

The proposed amendments do not add any additional minimum efficiency requirements but rather delay the effective dates of the minimum efficiency standards for single voltage external power supplies and digital television adapters, remove the 230 volt @ 50 Hz standards requirement for single voltage external power supplies, exclude certain single voltage external power supplies used with medical equipment from the scope of coverage for power supplies, and clarify the marking requirements for single voltage external power supplies. The rationale for delaying the effective dates of the standards for single voltage external power supplies and digital television adapters is that it is necessary because it is not yet feasible for some in the industry to acquire sufficient complying products. Although many manufacturers have stated that they could comply with the minimum efficiency standards required by our regulations, some manufacturers have stated they are experiencing substantial difficulty in manufacturing complying products. Thus, a six month delay for the standards implementation date for single voltage external power supplies and a one year delay for the digital television adapters has been requested and deemed to be necessary by the Energy Commission.

Although the Energy Commission had originally included 230 volts @ 50 Hz testing and efficiency requirements for single voltage external power supplies in order to synchronize California state standards with the U.S. Energy Star program for the same product, industry representatives have argued that such a requirement does not benefit California consumers and would not contribute to energy savings for the state because

consumers do not use 230 volt @ 50 Hz systems. The Energy Commission agrees and finds it necessary to exclude 230 volt @ 50 Hz testing and efficiency requirements for single voltage external power supplies because there would be no reduction in the California electrical energy consumption growth rate with these requirements.

REASONS FOR MANDATING
SPECIFIC ACTIONS, PROCEDURES, TECHNOLOGIES, OR EQUIPMENT;
CONSIDERATION OF PERFORMANCE STANDARDS

No prescriptive standards are being considered.

STUDIES, REPORTS, AND DOCUMENTS RELIED UPON

None

REASONABLE ALTERNATIVES, IF ANY, TO THE PROPOSED AMENDMENTS
THAT WERE CONSIDERED, INCLUDING ALTERNATIVES TO LESSEN IMPACTS ON
SMALL BUSINESS, AND REASONS FOR REJECTING THEM

Since the Energy Commission is not proposing any new minimum efficiency standards in the currently proposed amendments, no alternative has been considered or deemed necessary.

EVIDENCE RELIED UPON TO SUPPORT THE INITIAL DETERMINATION,
IN THE NOTICE OF PROPOSED ACTION,
THAT THE PROPOSED REGULATIONS WILL NOT HAVE
A SIGNIFICANT ADVERSE ECONOMIC ADVERSE IMPACT ON BUSINESS

The delay in the effective dates, the medical device exclusion for single voltage external power supplies, the removal of the 230 volts @ 50 Hz requirement, and clarifying the marking requirements for power supplies resulting from the proposed amendments will not increase the purchase price of the effected appliances.

EFFORTS TO AVOID UNNECESSARY DUPLICATION OR CONFLICT WITH
THE CODE OF FEDERAL REGULATIONS

The proposed regulations neither duplicate nor conflict with any federal regulation.

There are extensive federal regulations on appliance efficiency. (See 42 U.S.C. section 6291 et seq.; 10 CFR Parts 430, 431.) However, the proposed amendments affect only those appliances that are not covered by the federal regulations, except for minor clarifications and corrections that do not duplicate or conflict with any federal regulation.

**Specific Purpose, Rationale, and Necessity of Each Proposed Adoption,
Amendment, and Repeal**

Section 1601. Scope.

Section 1601(u) Power supplies and consumer audio and video products, add “excluding power supplies that are classified as devices intended for human use under the Federal Food, Drug, and Cosmetic Act and require U.S. Food and Drug Administration listing and approval as a medical device”.

Section 1602. Definitions.

There are no proposed amendments for this section.

Section 1602.1 Rules of Construction

There are no proposed amendments for this section.

Section 1603. Testing: All Appliances

There are no proposed amendments for this section.

Section 1604. Test Methods for Specific Appliances.

Section 1604(u)(1) Power Supplies, delete the following wording at the end of the paragraph:

“Power supplies whose nameplates indicate the capability of operating at multiple voltages and frequencies, shall be tested at both 115 volts @ 60 Hz and 230 volts @ 50 Hz, with the least efficient set of test values used to determine if products qualify for the active mode and no-load standards specified in Section 1605.3(u)(1). If testing at both conditions is not possible, the power supply shall be tested at one of the above voltage and frequency combinations that is closest to its nameplate voltage and frequency.”

Section 1605: Energy Performance, Energy Design, Water Performance, and Water Design Standards: In General.

There are no proposed amendments for this section.

Section 1605.1. Federal Standards for Federally-Regulated Appliances

There are no proposed amendments for this section.

Section 1605.2. California Standards for Federally-Regulated Appliances

There are no proposed amendments for this section.

Section 1605.3. California Standards for Non-Federally-Regulated Appliances

Section 1605.3(u)(1), Standards for Power Supplies (for consistency with Section 1604(u), Test Methods for Power Supplies and Consumer Audio and Video Equipment), first paragraph, add the phrase “when tested at 115 volts @ 60 Hz” in two places.

Section 1605.3(u)(1), Standards for Power Supplies, second paragraph, delete the current effective date of “July 1, 2006” and replace with “January 1, 2007”. Also, delete “June 30, 2009” and replace it with “December 31, 2009”.

Section 1605.3(u)(1), Standards for Power Supplies, third paragraph, delete the current effective date of “July 1, 2006” and replace it with “January 1, 2007”. Also, delete the current effective date of “December 31, 2007” and replace it with “June 30, 2008”. Also, delete the current effective date of “December 31, 2010” and replace it with “June 30, 2011”.

Section 1605.3(u)(1), Table U-1, Standards for Power Supplies, delete the current effective date of “July 1, 2006” and replace it with “January 1, 2007”.

Section 1605.3(u)(1), Table U-2, Standards for Power Supplies, delete the current effective date of “January 1, 2008” and replace it with “July 1, 2008”.

Section 1605.3(u)(2), Table U-3, Standards for Consumer Audio and Video Equipment, delete the current effective date for Digital Television Adapters, “January 1, 2007” and replace it with “January 1, 2008”.

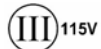
Section 1606: Filing by Manufacturers; Listing of Appliances in Database.

There are no proposed amendments for this section.

Section 1607: Marking of Appliances.

Section 1607(d)(9)(i)a, marking of External Power Supplies, delete the current effective date “July 1, 2006” and replace with “January 1, 2007”. Also, delete the effective date “January 1, 2008” and replace with “July 1, 2008”. Also, add the following wording and symbol to the end of the paragraph:

“For models showing compliance only at 115 volts, the “III” marking must include a reference to “115V”, as shown in the following example:



Section 1607(d)(9)(i)b, marking of External Power Supplies, delete the current effective date “January 1, 2008” and replace with “July 1, 2008”. Also, add the following wording and symbol to the end of the paragraph:

“For models showing compliance only at 115 volts, the “IV” marking must include a reference to “115V”, as shown in the following example:



Section 1607(d)(9)(ii)a, Format for the marking of External Power Supplies, add, at the end of the sentence, “(for models showing compliance only at 115 volts, the Roman numeral marking shall so designate, as referenced in Sections 1607(d)(9)(i)a and 1607(d)(9)(i)b”.

Section 1608: Compliance, Enforcement, and General Administrative Matters.

There are no proposed amendments.